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Did Prosecutors Go Too Far To Get A Murder Conviction?

(New York-WABC, November 1, 2002) — A murder witness who was never called to testify. Was it because she knew too much? The Eyewitness News Investigators have been looking into disturbing allegations that prosecutors in a murder case in Queens deliberately withheld crucial information from the defense. And now the prosecution's star witness claims he was pressured by authorities to lie. Was the suspect wrongly convicted of murder? The Investigators' Sarah Wallace has the story. Watch the Story

Key witnesses allegedly kept secret from the defense and court papers claiming prosecutors suppressed evidence and made false statements. It's all part of a murder case in Queens with yet another twist: A sworn statement by the prosecution's star witness who says he helped send an innocent man to prison.

Shanise Knight, Murder Witness: "The prosecutors just wanted somebody to blame that case on."

Shanise Knight vividly remembers what she saw from her living room window in Jamaica, Queens, on a wintry night nearly two years ago. First she heard a pop from across the street and then she saw her neighbor, Leroy Vann, standing on his front steps with another man.

Knight: "He was a black man. I'd say he was about 5'9". He weighed over 210 pounds... Then I heard two pops and you could see the fire of

something coming out."

As Vann, a nightclub owner, lay dying from a gunshot wound, he mumbled a name to his mother.

Victim's Mother: "He said Tyrone shot me."

Within days, police arrested neighborhood resident 24-year-old Tyrone Johnson, an aspiring actor with no criminal record, who sometimes went to Vann's club.

Sarah Wallace, Eyewitness News: "Describe Tyrone."

Doretha Johnson, Defendant's Mother: "Tyrone is about 5'3", 120 pounds."

Wallace: "Little?"

Johnson: "Little."

Shanise Knight remembers police showing her several photos. Police reports say one of them was Tyrone Johnson's.

Knight: "I didn't recognize none of them."

Shanese had no way of knowing that someone else would pick out Tyrone Johnson, the man who lived in her basement apartment, her nephew, Henry Hanley.

Knight: "Henry Hanley was in the basement asleep.... During the time of the murder, Henry was asleep."

Hanley's girlfriend, who lived with him at the time, confirms he saw nothing.

Wallace: "You were both sleeping?"

Sharmaine Ramdass, Witness: "We were both sleeping."

Sharmaine had no way of knowing that, secretly, her boyfriend, the father of her baby, would become the prosecution star witness. That, despite the fact that he gave several different statements. Hanley claimed Johnson and another man both shot Vann.

In return for his testimony, Hanley, a convicted felon with a pending robbery charge, got years knocked off his sentence. Sharmaine never knew about any of it.

Ramdass: "He's ruined this person's life. And it's just wrong. It's not fair."

So why didn't Johnson's side call Sharmaine Ramdass or Shanise Knight to testify? Because the defense didn't know they existed, or where to find them.

When Shanise's name finally did come up during the trial, documents show the prosecutor told the judge they didn't know where she was.

Knight: "They knew exactly where I was at because they had already come to my job."

Wallace: "So when that DA went up in court and said, 'We can't find her. We don't know where she is...'"

Knight: "He lied."

Wallace: "They knew where you were?"

Knight: "Yes."

Tyrone Johnson was convicted of murder in June.

Enter Mike Race, a private investigator who specializes in wrongful conviction cases.

Race located the two women, key witnesses who had never been called to testify, and he visited Henry Hanley in an upstate prison.

Mike Race, Private Investigator: "The first thing he says to me, he says, 'I was just waiting for this day, for someone to come up and speak to me about this.' And he tells me the whole story, about how he lied."

Hanley signed a four-page affidavit, claiming that during their investigation police had showed him a photo of Tyrone Johnson and said, "That's him." Hanley admitted he never saw the murder on those front steps, and that a prosecutor told him before the trial the defense was looking for Shanise Knight. He says they said, "If they did locate her, it would destroy the entire prosecution's case."

After she learned what had happened to Tyrone Johnson Shanise Knight went to his sentencing and saw the young man for the first time.

Knight: "And when they was like, 'That's him right there.' I was like, 'No that's not him. That's not the guy I seen on the step.'"

Johnson was sentenced to 25 years to life. His attorney has now filed a motion to overturn his conviction, claiming the prosecution deliberately withheld information, made false statements in court, and that Hanley's admission is new evidence.

Johnson: "At one time it was very, very dark, and I was scared to death. Now I'm beginning to think I'm going to see some light at the end of this tunnel."

The Queens District Attorney declined an interview, but the office claims the conviction in the case was properly obtained by a prosecutor who acted ethically and responsibly. The DA argues there is no new evidence and the motion to set aside the verdict should be denied.

Tyrone Johnson has been ordered by the judge to appear in court Monday morning.

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